

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
COLUMBUS DIVISION

ROSE MARIE TALBOT,

*

Plaintiff,

*

vs.

*

CASE NO. 4:10-CV-140 (CDL)

COMPLETE FACILITIES MANAGEMENT, *
INC.,

*

Defendant.

*

ORDER

Presently pending before the Court is Defendant's Motion to Partially Dismiss Plaintiff's Complaint (ECF No. 4) which seeks dismissal of Plaintiff's Title VII claims for failure to file a timely charge of discrimination with the Equal Employment Opportunity Commission. After an initial review, the Court finds that it must consider matters outside the pleadings to decide Defendant's motion. Therefore, the Court shall convert Defendant's motion to partially dismiss Plaintiff's Complaint to a motion for partial summary judgment under Federal Rule of Civil Procedure 56. Fed. R. Civ. P. 12(d); *Bost v. Fed. Express Corp.*, 372 F.3d 1233, 1237 (11th Cir. 2004).

The Court notes that Plaintiff has already filed exhibits beyond the pleadings in opposition to Defendant's motion. To ensure, however, that Plaintiff is "given a reasonable opportunity to present all the material that is pertinent to the motion," Fed. R. Civ. P. 12(d), the Court shall grant Plaintiff an additional,

final opportunity to submit any further evidence to demonstrate the existence of a genuine dispute as to any material fact, Fed. R. Civ. P. 56. Accordingly, on or before March 10, 2011, Plaintiff may file any additional evidence to supplement the record.

IT IS SO ORDERED, this 24th day of February, 2011.

S/Clay D. Land
CLAY D. LAND
UNITED STATES DISTRICT JUDGE